

1 GARCIA RAINEY BLANK & BOWERBANK LLP
A Limited Liability Partnership
2 JEFFREY M. BLANK, Cal. Bar No. 217522
jblank@garciarainey.com
3 NORMA V. GARCIA, Cal. Bar No. 223512
ngarciaguillen@garciarainey.com
4 695 Town Center Drive, Suite 700
Costa Mesa, California 92626-1993
5 Telephone: 714.382.7000
Facsimile: 714.784.0031

6 Attorneys for Plaintiff
7 NOODLE TIME, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 NOODLE TIME, INC., a Florida
12 corporation,

13 Plaintiff,

14 v.

15 BENIHIBACHI, a California
16 corporation and BEHIBACHI, a
California corporation

17 Defendant.
18

Case No. 2:22-cv-02320-GW-E
Judge: Hon. Magistrate Charles F. Eick
Dept.: 750

**PLAINTIFF NOODLE TIME INC.'S
REQUEST FOR ENTRY OF DEFAULT
BY THE CLERK AGAINST
DEFENDANT BENIHIBACHI, A
CALIFORNIA CORPORATION**

1 **TO THE CLERK OF THE COURT, TO ALL PARTIES, AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE THAT** Plaintiff Noodle Time, Inc. will and
4 hereby does respectfully request pursuant to Federal Rules of Civil Procedure Rule
5 55(a) that the Clerk enter default in this action against Defendant Benihibachi, on the
6 grounds that Benihibachi was duly served with the Summons and First Amended
7 Complaint in this action but has failed to appear or plead within the time prescribed
8 by Federal Rules of Civil Procedure 12 (Declaration of Norma V. Garcia, “Garcia
9 Decl.,” ¶ 6-7). As of the filing of this request, Defendant Benihibachi has failed to
10 file any response.

11
12 DATED: July 11, 2022

GARCIA RAINEY BLANK & BOWERBANK LLP

13
14
15 By

/s/ Norma V. Garcia

16 _____
17 JEFFREY M. BLANK
18 NORMA V. GARCIA
19 Attorneys for Plaintiff
20 Noodle Time, Inc.
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Gianni Eason, state:

I am employed in the County of Orange, State of California. My business address is 695 Town Center Drive, Suite 540, Costa Mesa, CA 92626. I am over the age of eighteen years and not a party to this action.

On the date set forth below, I served true copies of the foregoing document(s) described as **PLAINTIFF NOODLE TIME INC.'S REQUEST FOR ENTRY OF DEFAULT BY THE CLERK AGAINST DEFENDANT BENIHIBACHI, A CALIFORNIA CORPORATION** on the interested parties in this action as follows:

Benihibachi, a California Corporation
9901 Foothill Blvd,
Sylmar, CA 91342

X BY MAIL: I deposited such envelope in the mail at Costa Mesa, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served. Service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on July 11, 2022 at Costa Mesa, CA.

Gianni Eason

